

RESPONSE

The Applicants hereby respond to the issues raised by the Examiner in the subject office action.

I. Claim Rejections Under Section 102 (b)

Claims 1-2 and 4-12 stand rejected under Section 102(b) as being anticipated by Fernandes, U.S. Patent No. 4,829,298. The Applicant respectfully disagrees that the subject claims are anticipated as each and every element of Applicant's claims are not contained in the applied reference. As such, Applicant respectfully traverses said rejection, based on the following arguments.

Focusing now on independent Claim 1 of the subject application (as amended herein), the Examiner claims the device/method of Fernandes "applies a specific frequency activation signal and code key from an exciter CRTU 14 positioned proximate to the faulted circuit monitoring apparatus 10." However, the cited structure of Fernandes does not work in such a fashion. As clearly stated throughout the Fernandes reference, such signals from the CRTU are to send TDMA synchronizing messages, not activation signals. Quite in fact, the fault indicators of the Fernandes reference do not need to be activated to receive data and to transmit a signal of a faulted circuit. On this basis alone, it is apparent that the Fernandes reference does not anticipate Claim 1.

Further, Claim 1, as amended, clearly states that the frequency activation signal activates the faulted circuit monitoring apparatus. Finally, the Applicant would note that Fernandes does not does teach that that faulted circuit monitoring apparatus is powered by said specific frequency activation signal and, quite in fact states that it is powered by the line (or battery back-up).

Because Claim 1 arguable is not anticipated by Fernandes, dependant Claims 2 and 4-12 (as well as new claim 13) cannot be anticipated by Fernandes. Because of such fact, Applicant need not reach any arguments in favor of the specific allowablity of such dependent claims.

II. Claim Rejections Under Section 103 (a)

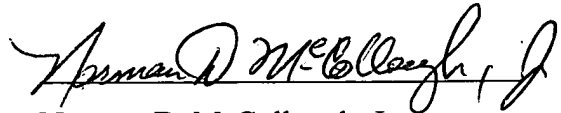
Claims 3 stands rejected under Section 103 (a) as being anticipated by the combination Fernandes and Banting *et al.*, U.S. Patent No. 5,959,537. As argued above, because each and every element of independent Claim 1 is not taught or suggested by the combination of these two references, Claim 3 cannot be obvious in light of such references.

Conclusion

Applicant has responded to the rejections contained in the subject Office Action. The Examiner is invited to contact the undersigned to clarify any additional technical issues or informalities that would otherwise hold up issuance of a patent on this application.

It is not believed that any fees are due in connection with this amendment.

Respectfully submitted,


Norman D. McCollough, Jr.

Dated: 2/1/06



CERTIFICATE OF MAILING

I hereby certify that I have deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 2, 2006 the attached Amendment and Response.

NORMAN D. McCOLLOUGH, Jr
(Print or type name of person signing the certificate)

Norman D. McCollough Jr
(Signature of person signing the certificate)

2/6/03
(Date of Signature)